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THE

## INTERIM

REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

NOVEMBER 1984

VOL. IV, NO. 18

SHELVED WITH  
PERIODICALS

## CAUCUSES

NOV. 17  
CAUCUS

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NOV 18 1984

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Members elected to serve in the next session may expect to receive a call from their respective deans for a caucus to be held Saturday, November 17, at 10 a.m. at the Colonial in Helena. This year the Legislative Council has decided not to hold an orientation session in conjunction with the caucus. There will be Council staffers available at the Colonial on Saturday to take bill drafting requests, pick up any remaining W-4 forms, and so on. In addition, representatives from the Department of Administration will be available to help freshman and other legislators who wish to sign up for the state health insurance program.

## JOINT INTERIM SUBCOMMITTEE NO. 2

## STATE LANDS

MINIMUM FEE  
RAISE  
RECOMMENDED

At its final meeting September 28, the Subcommittee approved the draft of LC 68 which allows the Department of State Lands to raise from \$6 to \$30 the allowable annual charge against forest landowners for fire protection with the provision that the total charge to landowners may not exceed one-third of the amount appropriated by the legislature for that purpose.

The Subcommittee recommended no change in the 16 cents an acre annual fire protection assessment against forest lands.

RECREATIONAL  
USE OF WATERS

Joint Interim Subcommittee No. 2 also finalized its recommendations on the subject of recreational use of Montana's waters:

RECOMMEN-  
DATIONS

-- Enact a bill to generally define laws governing the rights and responsibilities of property owners and the public related to recreational use of state waters, including:

(a) permitting recreational use of any surface waters, except waters while they are diverted;

(b) prohibiting, with certain exceptions, use of land beneath surface waters that do not satisfy the federal test of navigability for purposes of state ownership;

(c) confirming the right of the public to use the land between the ordinary high-water marks of surface waters that satisfy the federal test of navigability for purposes of state ownership;

(d) permitting the public to portage, above the high-water mark, around barriers in the least intrusive manner possible;

(e) restricting the liability of landowners when water is being used for recreation or land is being used as an incident of water recreation; and

(f) providing that a prescriptive easement cannot be acquired by recreational use of land or water.

-- Enact a bill to:

(a) eliminate the requirement that notice be posted or otherwise communicated for the commission of the offense of criminal trespass to land;

(b) impose absolute liability for certain criminal trespasses to land; and

(c) expand the authority of wardens to enforce the criminal mischief, criminal trespass, and litter laws on private lands being used for recreational purposes.

These proposals slightly modify the proposals developed by the Subcommittee at its previous meeting and distributed to members of the public. The Subcommittee currently is reviewing and again may be modifying the staff's drafts of the amended bills. The Subcommittee will finally approve the bill drafts and final report through a mail ballot. The sponsors of the bills will be determined after the election.

JOINT INTERIM SUBCOMMITTEE NO. 3

FINAL MEETING  
NOV. 15

Joint Interim Subcommittee No. 3 will hold the final meeting of the interim on Thursday, November 15, 1984, at 8:30 a.m. in Room 104 of the State Capitol, Helena.

STATE  
INVESTMENTS  
BILLS

The morning agenda will begin with a discussion of revised drafts of the following bills for the state investments study as requested on September 6:

LC 11, providing for representation of the retirement system boards on the Board of Investments;

LC 15, a constitutional amendment to eliminate restrictions on investments and adopt the "prudent expert" principle; and

LC 16, amending statutes to conform with constitutional changes in LC 15.

COURT  
UNIFICATION

Following discussions on the investment legislation, the Subcommittee will take up the topic of court unification. Amendments to the following bills will be reviewed:

LC 29, expanding the jurisdiction of the justice's court by requiring that certain cases be filed in justices' courts rather than in district court;

LC 31, requiring the Supreme Court administrator to conduct orientation courses and training sessions for clerks of district court, deputy clerks of district court, and persons who perform duties similar to those of the clerk of district court for justices', municipal, and city courts; and

LC 32, requiring the state to fund certain district court expenses and requiring the Legislature to provide full funding for the district court grant program.

The Subcommittee will also take final action on LC 30, a bill permitting district court judges to specify by court rule that certain cases be filed in justice's court.

Additionally, the Subcommittee will consider three bill drafts requested at the September meeting: LC 102, permitting appointment of magistrates within district courts; LC 103, subjecting centrally assessed property to a uniform mill levy to generate additional revenue for the state general fund to cover court costs; and LC 104, requiring that municipal courts be established in cities with populations of 10,000 or more.

UNISEX  
INSURANCE  
AND CAR  
INSURANCE

The afternoon agenda will be devoted to discussion of the following draft legislation for the insurance laws study: LC 138, providing certain exclusions to the statute prohibiting discrimination in insurance practices (unisex insurance law); LC 137, repealing the unisex insurance law; and LC 143, providing for random sampling of registered vehicles for compliance with the mandatory vehicle insurance law.

PUBLIC  
PENSION  
OVERSIGHT

The final topic on Thursday's agenda will be public pension oversight. The Subcommittee will review amendments to LC 9, a bill creating a legislative pension oversight committee.

REVENUE OVERSIGHT COMMITTEE

PROPERTY TAX  
REVISION TO  
BE DISCUSSED  
NOV. 9

The Revenue Oversight Committee will hold its final work meeting of the interim on November 9, at 8:00 a.m. in Room 104 of the State Capitol, Helena. The Committee will hear reports from its property tax classification subcommittee, from a consultant retained by the Committee to present recommendations on Montana's tax system and the federal 4R Act, from a consultant retained by Burlington Northern Railroad to comment on Montana's tax system and the 4R Act, and comments on the same issues from local government groups and other interested persons. A report from the Coal Tax Oversight Committee will be presented by Representative Glenn Roush.

The Subcommittee working on revising the property tax classifications met twice during October, first on the 13th and again on the 25th. Four options have been developed and reviewed by the Subcommittee, three of which will be presented and discussed at the November 9 Revenue Oversight Committee meeting.

## COAL TAX OVERSIGHT SUBCOMMITTEE

MEETING SET  
FOR NOV. 8

The Coal Tax Oversight Subcommittee was unable to complete its business at the meeting in Billings on October 8 and will meet again in Helena on Thursday, November 8.

The meeting will begin at 9:00 a.m. in Room 436 of the Capitol.

Items for discussion will include:

- a proposal to allow a \$2 per ton deduction from the contract sales price of coal for calculation of severance tax;

- approval of the response to a North Dakota legislative committee's proposal for an interstate compact to mitigate local government impacts of the Beach-Wibaux coal gasification plant which Tenneco has shelved indefinitely;

- review and final action on a bill clarifying allowable sources of repayment of Coal Board loans;

- review by Highway Department Director Gary Wicks of the status of the coal area highway fund with particular attention to the Sarpy Creek area of Treasure County; and

- review of the bill drafted in response to Coal Board requests at the October 8 meeting.

VO-TECH  
FUNDING  
APPROVED

During the meeting on October 8, the Subcommittee:

- agreed on a 3-1 vote to recommend to the Revenue Oversight Committee that \$2.1 million a year from coal severance taxes be used to fund operations of the five vocational-technical centers in order to reduce the tax burden on property owners of the communities where the centers are located;

RESEARCH  
FUNDS

- decided that the Permanent Coal Tax Trust Fund is not an appropriate source of money for research purposes and that any research financed by coal tax money should focus on coal utilization and markets;

-- approved requests from the Coal Board to:

- (1) transfer from the Department of Commerce to the Coal Board responsibility for the annual designation process for entitlement for Coal Board grants or loans because of population growth;
- (2) include decline of population as basis for designation;
- (3) reduce to 25% from 50% the amount of grants that must be awarded to designated areas;
- (4) establish an impact of decline account to receive Coal Board funds unexpended at the end of the appropriation period up to a total of \$20 million;
- (5) award grants and loans from the impact of decline account to local governments which are unable to meet their normal obligations as a direct result of declining coal-related activities; and
- (6) recommend that the appropriation to the Coal Board extend over a full biennium rather than over 1 year as has been the practice.

#### ADMINISTRATIVE CODE COMMITTEE

MEETING  
NOV. 16

The Administrative Code Committee will meet on Friday, November 16, at 9:00 a.m. in Room 104 of the Capitol. The Committee will consider 1984 MAR Issues 16 through 20 and will discuss rules implementing gifted and talented pupil programs with representatives from the Office of Public Instruction and the Board of Education. The Committee will continue analysis of its study of policies enforced as law but not formally adopted as rules. The Committee will also consider any other matters which come before it prior to the meeting date.

#### ENVIRONMENTAL QUALITY COUNCIL

FULL EQC  
TO MEET  
NOV. 16

The next EQC meetings are scheduled for Thursday, November 15, and Friday, November 16, in conjunction with legislative caucuses. The full EQC will meet Friday, November 16, at 9:00 a.m. in Room 420 of the Capitol.



Included on the agenda are follow-up reports on leaking underground storage tanks, small-scale hydroelectric development, and MEPA implementation. A portion of the various subcommittees' recommendations will be presented to and discussed by the full Council. In addition, a representative of the Finance Committee will explain the need for the analysis of the legislative budgets that is now in progress.

SUBCOMMITTEES  
NOV. 15

The three subcommittees of the EQC will meet on Thursday, November 15, in Room 420 of the Capitol. Subcommittee meetings and discussion topics are as follows:

8:30 a.m. - noon

-- Natural Resources Oversight Subcommittee

-- Natural Resource Legacy Program, draft bill

-- Hard Rock Mining Act, legislative considerations

1:00 p.m. - 2:00 p.m.

-- Water Oversight Subcommittee

-- Water quality issues

2:00 p.m.

-- Toxic Substances Subcommittee

-- Implications of the federal hazardous waste management amendments

-- Right-to-know laws for hazardous materials in the workplace

-- Weed control legislation and funding proposals

The Environmental Quality Council tentatively plans to meet again December 10.

SELECT COMMITTEE ON WATER MARKETING

RECOMMEN-  
DATIONS TO  
BE SET  
NOV. 8

Chairman Jean Turnage has scheduled a meeting of the Select Committee on Water Marketing on November 8 and 9, 1984. The meeting on Thursday, November 8, will begin at 9:00 a.m. in Room 104 of the State Capitol.

Topics that will be included on the agenda are a review of comments from the public hearings held in September, a review of the draft report to the Legislature and preparation of the Committee recommendations.

The Select Committee tentatively plans to meet again December 3 to finalize its recommendations and approve any legislation to be forwarded to the 1985 Legislature.

#### MONTANA SALARY COMMISSION

##### RECOMMEN- DATIONS FORMULATED

The Salary Commission made tentative recommendations, as required by its constitutional charge, at a meeting in Helena on October 16, and the recommendations were formally approved during a telephone conference meeting on October 31.

The Commission recommended these annual salary levels:

Governor \$70,000, Lieutenant Governor \$47,500, Chief Justice \$62,500, Supreme Court Justice \$60,000, Attorney General \$55,000, State Auditor \$42,500, Superintendent of Public Instruction \$46,000, Public Service Commission Chairman \$43,500, Public Service Commissioner other than chairman \$42,500, Secretary of State \$42,500, Clerk of Supreme Court \$32,500, District Judge \$55,000, Commissioner of Political Practices \$28,500, State Tax Appeal Board Chairman \$40,000, and State Tax Appeal Board member \$37,500.

The Commission recommended that a legislator receive salary of \$97.37 a day and expense payments of \$50 a day.

#### LEGISLATIVE FINANCE COMMITTEE

##### MEETING NOV. 15, 16

##### AGENCY BUDGETS TO BE REVIEWED

The Legislative Finance Committee will meet November 15 and 16. The major items will be a review of the 1987 biennium budget request of the Department of Social and Rehabilitation Services, the University System, the Department of Revenue, the Department of Commerce, and the Court System.

OTHER FINANCE  
RELATED  
ISSUES TO BE  
DISCUSSED

The Committee will also discuss a service or payback requirement for students receiving WICHE and WAMI financial assistance, the legislative policy on paying for city fire and police protection, the support formula for the University System, and the financial information available to assist the 1985 Legislature in evaluating legislation dealing with local government finances.

HEALTH CARE  
COST  
CONTAINMENT  
SUBCOM-  
MITTEE TO  
MEET NOV. 14

The Legislative Finance Committee's Subcommittee on Health Care Cost Containment will meet Wednesday, November 14, to discuss ways to budget medicaid for the 1987 biennium as well as to hear cost-saving measures proposed by the Compass Consulting Group, which has been retained to advise the Subcommittee.

#### LEGISLATIVE COUNCIL

MEETING  
NOV. 16

The Legislative Council will meet November 16 in the Legislative Auditor's Conference Room at 10:00 a.m. The Council will choose 11 Legislative interns and assign them to Legislator-Sponsors.

INTERNS TO  
BE CHOSEN

The Council will also discuss creation of a permanent Montana/Alberta Legislative Exchange Program and hear a report concerning 1990 census planning and plans for "blocking" the entire state, thus supplanting enumeration districts (EDs) for the next census.

BILL STATUS

The Council members will also attend one of the first demonstrations on the new On-Line Bill Status System developed by Council staff.

\*all meetings are subject to change



LEGISLATIVE INTERIM CALENDAR

| SUNDAY             | MONDAY              | TUESDAY              | WEDNESDAY                         | THURSDAY   | FRIDAY   | SATURDAY     |
|--------------------|---------------------|----------------------|-----------------------------------|--|--|--------------|
|                    |                     |                      |                                   | 1  | 2  | 3            |
| 4                  | 5                   | 6<br>ELECTION<br>DAY | 7                                 | 8<br>EOC - WATER MARKETING<br>rm. 104<br>Coal Tax Over-<br>sight Comm.<br>rm. 436                        | 9<br>MARKETING<br>rm. 420<br>REVENUE OVERSIGHT COMM.<br>rm. 104-8am                        | 10           |
| 11<br>VETERANS DAY | 12<br>STATE HOLIDAY | 13                   | 14<br>LFC Subcomm.<br>rm. 104-8am | 15<br>LEGISLATIVE FINANCE COMM.<br>rm. 436-8am<br>EOC Subcomm.<br>rm. 420-8:30<br>Subcomm. #3<br>rm. 104 | 16<br>ACC Meeting<br>rm. 104<br>EOC Meeting<br>rm. 420-9am<br>LEG. COUNCIL<br>rm. 132-10am | 17<br>CAUCUS |
| 18                 | 19                  | 20                   | 21                                | 22<br>THANKSGIVING   | 23   | 24           |
| 25                 | 26                  | 27                   | 28                                | 29   | 30   |              |

LEGISLATIVE INTERIM CALENDAR

DECEMBER

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

|    |    |   |    |                                       |   |    |
|----|----|---|----|---------------------------------------|---|----|
|    |    |   |    |                                       |  | 1  |
| 2  | 3  | 4   | 5  | 6                                     | 7   | 8  |
| 9  | 10 | 11  | 12 | 13                                    | 14  | 15 |
|    |    |   |    | LEGISLATIVE<br>AUDIT COMM.<br>rm. 104 |   |    |
| 16 | 17 | 18  | 19 | 20                                    | 21  | 22 |
| 23 | 24 | 25  | 26 | 27                                    | 28  | 29 |
| 30 | 31 | CHRISTMAS<br> |    |                                       |   |    |

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